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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,189	04/12/2001	Hermann Fruhm	CDM/8139.999	5365

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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,189

Applicant(s)

FRUHM ET AL.

Examiner

Anabel M Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12-19 is/are allowed.
- 6) ☐ Claim(s) 1,2,4-6 and 11 is/are rejected.
- 7) ☐ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 4-6 and 11 is withdrawn in view of the newly discovered reference(s) to "controllably moving each support". Rejections based on the newly cited reference(s) follow.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,4-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Harwood (5,398,177).

5. Harwood the structural limitations of claims 1,2,4-6 and 11: providing a plurality of lights, each one of said lights for producing a light beam, providing a plurality of movable light supports (fig 1); mounting each one of said lights on a corresponding one of said supports (fig 2); defining a path to be traversed by said supports and said lights; and, controllably moving each one of said supports and said lights along said path at a selectably variable speed (abstract, col. 4 lines 10-44), independently of movement of any other one of said supports and said lights along said path, and while energizing said

lights to produce said light beams, controllably moving further comprises positioning each one of said supports at a selected location along said path (fig 1), said controllably moving further comprises moving said supports and said lights along said path in a selectably variable direction (figs 1 and 2), said controllably moving further comprises moving selected ones of said supports and said lights along said path (figs 1 and 2); said controllably moving further comprises moving selected ones of said supports and said lights along said path in a selectably variable direction (figs 1 and 2), controllably maintaining a selected distance between adjacent ones of said supports (figs 1 and 2).

***Allowable Subject Matter***

6. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 12-19 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach a combination of:

- A lighting method as defined in any one of claims 1, 2, 4, 5, or 6, further comprising controllably moving said lights with respect to said supports;
- A lighting method as defined in any one of claims 1, 2, 4, 5, or 6, further comprising controllably moving said lights with respect to said supports to aim said lights at a selected focal point.

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- A lighting method as defined in any one of claims 1, 2, 4, 5, or 6, further comprising controllably moving said lights with respect to said supports to keep said lights aimed at a moving focal point;
- A lighting method as defined in any one of claims 1, 2, 4, 5, or 6, further comprising selectably varying the color of said light beams.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
June 15, 2003



**THOMAS M. SEMBER**  
PRIMARY EXAMINER